

REMARKS

The amendment and the following remarks are respectfully submitted in response to the Final Action to put the claims of this application in condition for allowance.

Claim 1 was amended to incorporate the embodiments of claim 2, and consequently claim 2 was canceled.

Claims 1-10, 15, 18 and 19 remain rejected under 35 USC 103(a) for the same reasons of obviousness as presented in the Office Action dated October 2, 2001.

The Examiner continued to indicate that these claims are unpatentable over Fuentes-Afflick et al. (EP 947,576 A1) in view of Friihauf (US 4,129,508) and Bloch et al. (WO 93/21,288).

Fuentes-Afflick et al. disclose a gasoline fuel composition that contains a fuel consumption reducing amount of an additive composition comprising a) a hydrocarbyl-substituted amine having a 700-3000 molecular weight and/or a poly(oxyalkylene) amine and b) an ester of a carboxylic acid and polyhydric alcohol such as glycerol monooleate.

Friihauf discloses lubricant and fuel compositions having improved demulsifying properties that contain an additive composition comprising A) a reaction product of a succinic acid or anhydride and a polyalkylene glycol, B) an organic basic metal salt, and C) an alkoxylated amine.

Bloch et al. disclose lubricating oil compositions for automotive engines and transmissions having enhanced fuel economy that contain a friction modifier combination of an alkoxylated hydrocarbyl amine and a partial ester of a polyol and a fatty carboxylic acid.

Applicants submit that a case of prima facie obviousness has not been established for the modification of Fuentes-Afflick et al. in view of Friihauf because the teachings of Fuentes-Afflick et al. and Friihauf do not provide a sufficient basis for a reasonable expectation of success for the modification. Fuentes-Afflick et al. involve a fuel composition containing components that results in reduced fuel consumption while Friihauf involves a fuel or lubricant composition containing components that results in improved demulsifying properties. There does not appear to be a reasonable expectation of success to take a component for improving

demulsifying properties from Friihauf and substitute that component into Fuentes-Afflick to reduce fuel consumption.

Applicants further submit that a case of prima facie obviousness has not been established for the modification of Fuentes-Afflick et al. in view of Bloch et al. because there is no teaching or suggestion in Fuentes-Afflick et al. and Bloch et al. for the modification. Fuentes-Afflick et al. involve a fuel composition containing components that reduce fuel consumption in which the fuel composition is combusted. Bloch et al. involve a lubricating oil composition containing components that enhance fuel economy in which the lubricating oil composition lubricates an automotive engine or transmission. The fuel composition of Fuentes-Afflick et al. reduces fuel consumption in a combustion process while the lubricating oil composition of Bloch et al. enhances fuel economy in a lubrication process. There is no teaching or suggestion in Fuentes-Afflick et al. or in Bloch et al. to take a lubricating oil composition component from Bloch and substitute that component into the fuel composition of Fuentes-Afflick.

Applicants respectfully submit that claims 1, 3-10, 15, 18 and 19 are patentable over Fuentes-Afflick et al. in view of Friihauf and Bloch et al. based on the above remarks.

Claims 11, 12 and 16 remain rejected under 35 USC 103(a) for the same reasons of obviousness as presented in the Office Action of October 2, 2001.

The Examiner continued to indicate that these claims are unpatentable over Fuentes-Afflick et al. in view of Friihauf and Bloch et al. (as applied to claims 1-10, 15, 18 and 19 above) and further in view of Wyman (US 3,250,715).

Wyman discloses terpolymers of dialkyl furmarates, vinyl esters of fatty acids and alkyl vinyl ethers and their use in lubricating compositions as pour point depressants.

Claims 11, 12 and 16 depend directly or indirectly from claim 1 and are embodiments of the present invention that include a polymeric pour point depressant. Applicants respectfully submit that claims 11, 12 and 16 are patentable since they depend from claim 1 which is patentable based on the remarks hereinabove.

Claims 13, 14 and 17 remain rejected under 35 USC 103(a) for the same reasons of obviousness as presented in the Office Action of October 2, 2001.

The Examiner continued to indicate that these claims are unpatentable over Fuentes-Afflick et al. in view of Friihauf and Bloch et al. (as applied to claims 1-10, 15, 18 and 19 above) and further in view of Schilowitz et al. (US 5,094,667), Pierce-Ruhland et al. (US 5,407,453), Malfer et al. (US 5,697,988), and Moreton (US 5,876,468).

The four cited tertiary references of Schilowitz et al., Pierce-Ruhland et al., Malfer et al. and Moreton disclose nitrogen-containing detergents--polyetheramines, aliphatic amines and Mannich reaction products--and their use in fuel compositions.

Claims 13, 14 and 17 depend directly or indirectly from claim 1 and are embodiments of the present invention that include a nitrogen-containing detergent. Applicants respectfully submit that claims 13, 14 and 17 are patentable since they depend from claim 1 which is patentable based on the remarks hereinabove.

Claims 1-10 remain rejected under 35 USC 102(b) for the same reasons of anticipation as presented in the Office Action of October 2, 2001.

The Examiner continued to indicate that these claims are anticipated by Bloch et al.

Bloch et al. disclose a lubricating oil composition comprising an oil of lubricating viscosity, an alkoxylated amine, and a partial ester of a polyol and a fatty carboxylic acid. The oil of lubricating viscosity of Bloch et al. includes synthetic and natural oils such as mineral lubricating oils all of which serve to lubricate/protect moving mechanical parts. Amended claim 1 of the present invention is a gasoline additive concentrate composition comprising a solvent selected from the group consisting of aliphatic hydrocarbons, aromatic hydrocarbons, alcohols, and mixtures of two or more thereof; an alkoxylated amine; and a partial ester of a polyhydric alcohol and a fatty carboxylic acid. The solvent of the present invention functions to facilitate handling and provide homogeneity of the concentrate composition. Bloch et al. disclose natural and synthetic oils of lubricating viscosity, but they do not disclose the aliphatic/aromatic hydrocarbon and alcohol solvents of the present invention. Consequently, Bloch et al. do not anticipate amended claim 1 and dependent claims 3-10 of the present invention.

Applicants respectfully submit that claims 1 and 3-10 are novel in view of Bloch et al. based on amended claim 1 and the above remarks.

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Reply to Final Action
Docket No. 3085R

From the foregoing amendment and remarks, it is submitted that the present claims are in condition for allowance and that the reply to this Office Action is fully responsive. An early and favorable reconsideration is respectfully requested. If the Examiner believes that only minor issues remain to be resolved, a telephone call to the undersigned is suggested.

Any deficiency or overpayment in fees for this application should be charged or credited to Deposit Account No. 12-2275 (The Lubrizol Corporation).

Respectfully submitted,

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Marked Up Version of Amendment

Claim 1 has been amended as follows:

1. (Once amended) A gasoline additive concentrate composition, comprising:
a solvent selected from the group consisting of aliphatic hydrocarbons, aromatic hydrocarbons, alcohols, and mixtures of two or more thereof; and
an alkoxyated fatty amine; and
a partial ester having at least one free hydroxyl group and formed by reacting at least one fatty carboxylic acid and at least one polyhydric alcohol.

Claim 2 has been canceled.